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December 12, 2013

FILE NO: (415) 975-3701

Via E-Mail & Overnight Mail

Jared Blumenfeld
Regional Administrator
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street
Mail Code: ORA-1
San Francisco, CA 94105

Re: RDA Stormwater Petitions

Dear Administrator Blumenfeld:

On July 10, 2013, a coalition of environmental groups petitioned you, as well as the Regional Administrators of EPA Regions 1 and 3, for a determination, pursuant to EPA's "residual designation authority" (RDA), that certain stormwater discharges from commercial, industrial, and institutional sites contribute to water quality standards violations and require NPDES permits. You and the other Regional Administrators responded on October 31, 2013 and November 1, 2013 that you were working on a determination concerning the petitions in the next three to four months.

We represent the Utility Water Act Group (UWAG), a voluntary, *ad hoc*, non-profit, unincorporated group of 198 individual energy companies and three national trade associations of energy companies. UWAG's purpose is to participate on behalf of its members in rulemakings under the Clean Water Act and in litigation arising from those rulemakings. Because a number of UWAG's members operate in Region 9 and stand to be impacted if the RDA petition is granted, we request that the Agency provide an avenue for stakeholder input as part of the petition review process. In light of the far-reaching implications presented by the RDA petitions, we believe all potentially affected stakeholders should have a voice in the proceedings. It is UWAG's understanding that other stakeholder groups have made similar requests.

Because the RDA regulations provide no formal process for stakeholder participation in the petition process, UWAG is open to any reasonable process that will allow our concerns to be



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heard before EPA finally acts on the petitions. This could entail allowing interested parties to submit comments on the petitions some 30-60 days before EPA anticipates finally acting, with EPA agreeing to consider the comments in its determination. But again, we are open to any reasonable process.

As noted by another group seeking participation in the RDA petition process, it is important that those likely to be among the most affected by these petitions be given the opportunity to provide input as EPA considers a response.

UWAG appreciates you and the other Regional Administrators considering our request to participate in the RDA petition review process. We look forward to hearing from you.

Sincerely,

A handwritten signature in blue ink, appearing to read "Timothy J. Carlstedt".

Timothy J. Carlstedt

cc: (By email only)
Nancy Stoner, Acting Assistant Administrator, U.S. EPA Office of Water
Deborah Nagle, Director, Water Permits Division, U.S. EPA Office of Water
Curt Spalding, Administrator, U.S. EPA Region 1
Shawn Garvin, Administrator, U.S. EPA Region 3
Jeffrey Odefey, American Rivers
Christopher Kilian, Esq., Conservation Law Foundation
Jon Devine, Esq., Natural Resources Defense Council